

**From:** [Clarke, Victoria](#)  
**To:** [Fugh, Justina](#)  
**Cc:** [Ross, Margaret](#)  
**Subject:** Some follow up on termination reports!  
**Date:** Monday, May 20, 2019 2:06:00 PM

---

I called Mario Caraballo and got an email address for him which is in the file. I've sent him his most recent annual report and an electronic form of the 278 to fill out his termination report. I will check in with him next week. I told him we wouldn't be charging him any late fees. He doesn't think the laws apply to him since he is no longer with the federal government, but will fill out the form.

[REDACTED] (b) (5)

Outstanding tasks for me:

- Correspond with KC's attorneys about a new entrant report
- (b) (5)
- [REDACTED]
- Amy Graham – was assigned a termination report in integrity but never did it, so need to reach out to her
- (b) (5)

Victoria Clarke  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Office of General Counsel  
Washington, D.C. | 7348 WJCN  
EPA Office: 202-564-1149  
EPA Cell: 202-336-9101

## LATE REPORTS

MARIO CARABELLO

left EPA 6/7/18  
is subject to 207(c)

Main-  
Pu Cell:

(b) (6)

**OEP**

FEB 12 2019

# THE KENNEDY CENTER



- Sent 2782 + 2018  
Report via PDF

(b) (6) (b) (6) (b) (6)



**From:** [Mario Caraballo](#)  
**To:** [Clarke, Victoria](#)  
**Subject:** Re: EPA Termination Report  
**Date:** Sunday, June 02, 2019 1:39:14 PM

---

# Best Wishes!

On Friday, May 31, 2019, 1:11:52 PM CST, Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)> wrote:

Perfect! Thank you!

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

---

**From:** M C (b) (6)  
**Sent:** Friday, May 31, 2019 2:57 PM  
**To:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>  
**Subject:** Re: EPA Termination Report

Victoria,

My oversight. Yes please add since it's (b) (6)

Thank you!

Sent from my iPhone

On May 31, 2019, at 12:32 PM, Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)> wrote:

Hi Mario!

Not a problem at all. Thank you so much for filling this out and getting it back so soon.

I have one question – on the (b) (6)  
[REDACTED]  
[REDACTED] f so, I can quickly add that in and initial beside it.

<image001.png>

Thank you!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

---

**From:** Mario Caraballo (b) (6)  
**Sent:** Wednesday, May 22, 2019 11:54 AM  
**To:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>  
**Subject:** Re: EPA Termination Report

Hi Victoria!

Hope this finds you well. Attached is the 278e form you requested.

My apologies if I sounded harsh during our initial conversation. That was not my intent.

Let me know if the form is ok since Im (b) (6)  
[REDACTED]

Thank you for your kindness.

Best, Mario

(b) (6)  
[REDACTED]

On Monday, May 20, 2019, 11:21:51 AM CST, Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)> wrote:

Hello Mario!

Thank you ever so much for speaking with me on the phone today about filling out and submitting your Termination Report!

As promised, you can find attached to this email a fillable pdf of the 278e Form, which you can use to complete the report. To help you fill out the form, I've also provided you with a pdf copy of your 2018 Annual Report. If you have any questions or run into snags, let me know! I'll follow up with you next week to see if you need any assistance if I don't hear from you before then.

Have a great Monday!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

## General Instructions for Completing the OGE Form 278e

### Should I Use This Form?

Candidate Yes, you should file your report using this form.

Other Category of Filer: In most cases, individuals will file their public financial disclosure reports through an electronic financial disclosure system. Do not use this form if you plan to file using an electronic financial disclosure system.

### When Must I File?

Candidate: Within 30 days of becoming a candidate for nomination or election to the office of President or Vice President, or by May 15 of that calendar year, whichever is later, but at least 30 days before the election, and on or before May 15 of each succeeding year you continue to be a candidate

Nominee: No later than 5 days after nomination by the President

New Entrant: Within 30 days of assuming a covered position

Annual: No later than May 15 annually

Termination: Within 30 days of leaving a covered position

### Extensions

The employing agency may grant you an extension of up to 45 days for good cause shown with the possibility of one additional extension of up to 45 days. Extensions for Candidates are granted by the Federal Election Commission.

### Late Filing

You will be subject to a \$200 late filing fee if you file your report more than 30 days after the due date (including any extensions). A report is considered to be filed when it is received by the agency. Agencies may waive this fee if the delay was caused by extraordinary circumstances. Unless waived, the agency will collect the fee for deposit with the United States Treasury.

### Warnings

Knowing and willful falsification of information, or failure to file or report information required to be reported by section 102 of the Ethics in Government Act of 1978, as amended (the Act), may subject you to a civil monetary penalty and to disciplinary action by your employing agency or other appropriate authority under section 104 of the Act. Knowing and willful falsification of information required to be filed by section 102 of the Act may also subject you to criminal prosecution.

## Instructions for Completing Part 1 of the OGE Form 278e: Filer's Positions Held Outside United States Government

**Applicability:** All filers complete Part 1.

### Reporting Period:

Candidate, Nominee or New Entrant: Preceding two calendar years and current year to filing date

Annual: Preceding calendar year and current year to filing date

Termination: End of period covered by last report to termination date

### Reporting Requirement:

Report any positions that you held at any time during the reporting period (excluding positions with the United States Government).

Reportable positions include those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any for-profit or non-profit organization (whether compensated or uncompensated).

### Exceptions:

Do not report the following: (1) positions held as part of your official duties with the United States Government; (2) positions with religious, social, fraternal, or political entities; (3) positions solely of an honorary nature; (4) mere membership in an organization; and (5) passive investment interests as a limited partner or non-managing member of a limited liability company.

In addition, you do not need to report service as a member of an advisory board or committee if the following criteria are met:

- (1) the advisory board or committee is that of a non-profit organization;
- (2) your service is unpaid; and (3) you have no fiduciary duties of the sort exercised by officers, directors, or trustees.

### Completing the Fields:

Organization Name: Provide the name of the organization.

City/State: Provide the city and state in which the organization is located.

Organization Type: Describe the type of organization.

Position Held: Provide the title or a brief functional description of the position you hold or held.

From: Provide the month and year in which you began in the position.

To: Provide the month and year in which the position ended. If you still hold the position, write "present."

**Nothing to Report:** If you do not have anything to report, write "None."



**Instructions for Completing Part 2 of the OGE Form 278e: Filer's Employment Assets & Income and Retirement Accounts**

**Applicability:** All filers complete Part 2.

**Reporting Period:**

Candidate, Nominee, or New Entrant: Preceding calendar year and current year to filing date

Annual: Preceding calendar year

Termination: End of period covered by last report to termination date

**Reporting Requirement:**

- Report each source of your earned and other non-investment income over \$200 during the reporting period (e.g., salary, fees, partnership share and other business income, honoraria, scholarships, and prizes).
- Report each asset related to your business, employment, or other income-generating activities if the value of the asset at the end of the reporting period exceeded \$1,000 or if the asset produced more than \$200 in income during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, anticipated payments such as severance payments, deferred compensation, and intellectual property such as book deals and patents).

**Exceptions:**

Do not include assets or income from United States Government employment. In addition, do not include assets that were acquired separately from your business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account) because you will report these assets in Part 6.

**Completing the Fields:**

Description: Provide a description sufficient to identify the asset or source being reported.

EIF: If you are reporting an investment vehicle that invests in assets of its own, you need to report each underlying asset that was individually worth more than \$1,000 at the end of the reporting period or that individually produced more than \$200 in income during the reporting period. As an exception to this requirement, however, you do not need to report the underlying assets of an investment vehicle that qualifies as an excepted investment fund (EIF). Indicate whether your entry qualifies as an excepted investment fund. If your entry is not an investment vehicle at all, select "N/A."

*Definition of "Excepted Investment Fund":* An excepted investment fund is an investment fund that is (1) widely held; (2) either "publicly traded or available" or "widely diversified"; and (3) independently managed, meaning you neither exercise control nor have the ability to exercise control over the financial interests held by the fund. A fund is widely diversified if it holds no more than 5% of the value of its portfolio in the securities of any one issuer (other than the United States Government) and no more than 20% in any particular economic or geographic sector.

Value: Report the value of an asset by selecting the appropriate category.

*(Instructions continue on the following page.)*

Income Type:

Nothing to Report: If you do not have anything to report, write "None."

(1) Income Less than \$201: Leave this field blank.

(2) Asset Qualifies as an EIF: Leave this field blank.

(3) Dividends, Interest, Capital Gains, or Rent or Royalties: Enter these types of income into the field.

(4) Other Income: Provide an appropriate description (e.g., "salary").

Income Amount:

(1) Income Less than \$201: Select "None (or less than \$201)."

(2) Asset Qualifies as an EIF: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Dividends, Interest, Capital Gains or Rent or Royalties: Select the category that corresponds to the total amount of income produced during the reporting period.

(4) Other Cases: Provide the exact amount of income produced during the reporting period in the space provided.

## Instructions for Completing Part 3 of the OGE Form 278e: Filer's Employment Agreements and Arrangements

**Applicability:** All filers must complete Part 3.

### Reporting Period:

Candidate, Nominee, or New Entrant: As of the date of filing

Annual: Preceding calendar year and current year to filing date

Termination: End of period covered by last report to termination date

### Reporting Requirement:

Report any agreements or arrangements that you had during the reporting period for the following: (1) continuing participation in an employee welfare or benefit plan maintained by a former employer; (2) leave of absence; (3) future employment; or (4) continuation of payments by a former employer (e.g., severance payments).

### Exceptions:

Do not report the following: (1) agreements and arrangements with the United States Government, such as your participation in the Federal Employees Retirement System or the Civil Service Retirement System; (2) agreements and arrangements of your spouse or your dependent children; (3) if you are a Presidential nominee, any agreement or arrangement that will end before you file your Nominee report; and (4) if you are filing a New Entrant report, any agreement or arrangement that ended prior to the beginning of your appointment to your current position.

### Completing the Fields:

Employer or Party: Provide the parties to the agreement or arrangement, other than yourself. In most cases, the other party will be your employer.

City/State: Provide the city and state of the other parties.

Status and Terms: Briefly describe the type of agreement or arrangement, its terms (in particular, the timing and form of any payments), and its current status.

Date: Provide the month and year in which the agreement or arrangement began. In many cases, this will be when you joined the employer or otherwise became eligible for coverage under the agreement or arrangement.

**Nothing to Report:** If you do not have anything to report, write "None."

## Instructions for Completing Part 4 of the OGE Form 278e: Filer's Sources of Compensation Exceeding \$5,000 in a Year

**Applicability:** Complete Part 4 if you are filing a Nominee or New Entrant report. Otherwise, leave this Part blank.

### Reporting Period:

Nominee or New Entrant: Preceding two calendar years and current year to filing date

Other Reports: N/A

### Reporting Requirement:

Report any source (except the United States Government) that paid more than \$5,000 for your services during any year of the reporting period. Report employers and any clients to whom you personally provided services. You must report a source even if the source made its payment to your employer and not to you. Do not report a client who paid your employer if you did not provide the services for which the client made the payment.

### Exception:

In certain rare cases, you need not provide the identity of confidential clients. In those cases, indicate the number of confidential clients that have not been disclosed (e.g., "2 confidential clients not disclosed").

### Completing the Fields:

Source Name: Provide the name of the source.

City/State: Provide the city and state in which this source is located.

Brief Description of Duties: Provide a brief description of your duties or the type of services rendered.

*\* Confidential Clients:* You do not need to report the identity of a client if the client's identity is protected by a court order or is under seal. In limited circumstances, the exception may also apply if the client is considered confidential because:

1. the client is the subject of a pending grand jury proceeding or other non-public investigation in which there are no public filings, statements, appearances, or reports that identify him or her;
2. disclosure is prohibited by a rule of professional conduct that can be enforced by a professional licensing body; or
3. a privileged relationship was established by a written confidentiality agreement, entered into at the time that your services were retained, that expressly prohibits disclosure of the client's identity.

A client will not be deemed confidential merely based on the filer's belief that the client would prefer not to be disclosed or based on the fame or social standing of the client.

**Nothing to Report:** If you do not have anything to report and you are filing a Nominee or New Entrant report, write "None."

## Instructions for Completing Part 5 of the OGE Form 278e: Spouse's Employment Assets & Income and Retirement Accounts

**Applicability:** All filers complete Part 5.

### Reporting Period:

Candidate, Nominee, or New Entrant: Preceding calendar year and current year to filing date

Annual: Preceding calendar year

Termination: End of period covered by last report to termination date

### Reporting Requirement:

- Report each source of earned income, excluding honoraria, for your spouse over \$1,000 during the reporting period.
- Report each source of honoraria for your spouse over \$200 during the reporting period.
- Report each asset related to your spouse's employment, business activities, other income-generating activities that (1) ended the reporting period with a value greater than \$1,000 or (2) produced more than \$200 in income during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents).

### Exceptions:

Do not include assets or income from United States Government employment. In addition, do not include assets that were acquired separately from your spouse's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account) because you will report these assets in Part 6.

### Completing the Fields:

Complete these fields using the instructions from Part 2 with two exceptions. First, you do not need to provide the exact amount of your spouse's earned income, other than honoraria. Instead, simply describe the type of income in the Income Type field and leave the Income Amount field blank. Second, the value and income amount fields include a category labeled "Over \$1,000,000." You may use this category or you may use the higher value and amount categories.

**Nothing to Report:** If you do not have anything to report, write "None."



## Instructions for Completing Part 6 of the OGE Form 278e: Other Assets and Income

**Applicability:** All filers complete Part 6.

### Reporting Period:

Candidate, Nominee, or New Entrant: Preceding calendar year and current year to filing date

Annual: Preceding calendar year

Termination: End of period covered by last report to termination date

### Reporting Requirement:

Each asset held for investment or the production of income, not already reported in Part 2 or Part 5, that ended the reporting period with a value greater than \$1,000 or that produced more than \$200 in income during the reporting period. For purposes of the value and income thresholds, aggregate your interests with those of your spouse and your dependent children.

### Exceptions:

Do not report any of the following: (1) a personal residence that you did not rent out during the reporting period; (2) retirement benefits from the United States Government, including the Thrift Savings Plan; (3) income from social security, veterans' benefits, and other similar United States Government benefits; (4) deposits in a single financial institution aggregating \$5,000 or less in money market accounts, certificates of deposit, savings accounts, checking accounts or other cash deposits; (5) shares in a single money market mutual fund aggregating \$5,000 or less; (6) loans made by you or your spouse to each other or to a parent, sibling, child, or grandchild; (7) interests of a spouse living separate and apart with the intention of terminating the marriage or providing for a permanent separation; (8) interests of a former spouse or a spouse from whom you are permanently separated; and (9) payments from a spouse or former spouse associated with a divorce or permanent separation.

### Completing the Fields:

Complete these fields using the instructions from Part 2 with one exception. The value and income amount fields include a category labeled "Over \$1,000,000."

You may use this category only for your spouse's or dependent child's assets. Do not use this category for your assets or assets held jointly with your spouse or dependent child.

**Nothing to Report:** If you do not have anything to report, write "None."

## Instructions for Completing Part 7 of the OGE Form 278e: Transactions

**Applicability:** Complete Part 7 if you are filing an Annual or Termination report. Otherwise, leave this Part blank.

### Reporting Period:

Candidate, Nominee, or New Entrant: N/A

Annual: Preceding calendar year

Termination: End of period covered by last report to termination date

### Reporting Requirement:

Report any purchase, sale, or exchange of real property or securities in excess of \$1,000 that was made by you, your spouse, or your dependent child during the reporting period.

### Exceptions:

Do not report the following: (1) a personal residence, unless the personal residence was rented out at any point during the reporting period; (2) cash accounts (e.g., checking, savings, CDs, money market accounts) and money market mutual funds; (3) Treasury bills, notes, and bonds; (4) Thrift Saving Plan accounts; (5) an underlying asset of an excepted investment fund, an excepted trust, or a qualified trust; (6) transactions that you already reported in your periodic transaction report (OGE Form 278-T), unless your agency requires duplicate reporting; (7) transactions that occurred when you were not an employee of the United States Government; (8) transactions that occurred solely by and between you, your spouse, and your dependent children; (9) interests of a spouse living separate and apart with the intention of terminating the marriage or providing for a permanent separation; and (10) interests of a former spouse or a spouse from whom you are permanently separated.

### Completing the Fields:

Description: Provide the name of the asset.

Type: Specify the type of transaction as a purchase, sale, or exchange

Date: Provide the month, day, and year of the transaction.

Amount: Report the amount of transaction by selecting the appropriate category. You may use the "Over \$1,000,000" category only for transactions involving your spouse's or dependent child's assets. Do not use this category for your assets or assets held jointly with your spouse or dependent child.

**Nothing to Report:** If you do not have anything to report, write "None."

## Instructions for Completing Part 8 of the OGE Form 278e: Liabilities

**Applicability:** All filers complete Part 8.

### Reporting Period:

Candidate, Nominee, or New Entrant: Preceding calendar year and current year to filing date

Annual: Preceding calendar year

Termination: End of period covered by last report to termination date

### Reporting Requirement:

Report liabilities over \$10,000 that you, your spouse, or your dependent child owed at any time during the reporting period.

### Reporting Exceptions:

Do not report the following: (1) loans secured by a personal motor vehicle, household furniture, or appliances, provided that the loan does not exceed the item's purchase price; (2) revolving charge accounts, such as credit card balances, where the outstanding liability did not exceed \$10,000 at the end of the reporting period; (3) personal liabilities owed to a spouse, parent, sibling, or child of yours, your spouse, or your dependent child; (4) liabilities of a spouse living separate and apart with the intention of terminating the marriage or providing for a permanent separation; (5) liabilities of a former spouse or a spouse from whom you are permanently separated; and (6) obligations arising from divorce or permanent separation.

*(Instructions continue on the following page.)*

### Additional Exception for Certain Mortgages:

- If you are not a nominee or appointee to a Presidentially-appointed, Senate-confirmed (PAS) position, you do not need to report a mortgage or home equity loan secured by your personal residence, unless you rented out the personal residence during the reporting period. However, you must report mortgages or home equity loans on properties that do not qualify as personal residences.

- If you are a nominee or appointee to one of the three types of PAS positions listed below, you do not need to report a mortgage or home equity loan secured by your personal residence, unless you rented out the personal residence during the reporting period. However, you must report mortgages or home equity loans on properties that do not qualify as personal residences. The three types of PAS positions are: (1) a position in which you will serve as a special Government employee (SGE); (2) a position as a Foreign Service Officer below the rank of ambassador; or (3) a position in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below.

- If you are a nominee or appointee to any other type of PAS position, you must report a mortgage or home equity loan secured by your personal residence as you would a mortgage on any other property.



**Completing the Fields:**

**Nothing to Report:** If you do not have anything to report, write "None."

**Creditor Name:** Provide the name of the creditor/lending institution.

**Type:** Identify the type of liability.

**Amount:** Select the appropriate category of amount or value. For revolving charge accounts, use the value of the liability at the end of the reporting period. For all other liabilities, select the category that corresponds to the highest amount owed during the reporting period. You may use the "Over \$1,000,000" category only for your spouse's or dependent child's liabilities. Do not use this category for your liabilities or a joint liability for you and your spouse or dependent child.

**Year Incurred:** Provide the year that the liability was incurred.

**Rate:** Provide the interest rate. Describing the rate in reference to a prime rate, such as "prime + 1," is also sufficient.

**Term:** Specify, in years or months, the time that the loan allows for repayment. If applicable, you may write "on demand" or "revolving."

## Instructions for Completing Part 9 of the OGE Form 278e: Gifts and Travel Reimbursements

**Applicability:** Complete Part 9 if you are filing an Annual or Termination report. Otherwise, leave this Part blank.

### Reporting Period:

Candidate, Nominee, or New Entrant: N/A

Annual: Preceding calendar year

Termination: End of period covered by last report to termination date

### Reporting Requirement:

- Gifts totaling more than \$375 that you, your spouse, and your dependent children received from any one source during the reporting period.
- Travel reimbursements totaling more than \$375 that you, your spouse, and your dependent children received from any one source during the reporting period.

If more than one gift or travel reimbursement was received from a single source: (1) Determine the value of each item received from that source; (2) exclude each item valued at \$150 or less; and (3) add the value of those items valued at more than \$150. If the total is more than \$375, then you must report each item valued at more than \$150.

### Exceptions:

Do not report the following: (1) anything received from a relative; (2) bequests and other forms of inheritance; (3) suitable mementos of a function honoring you (e.g., retirement party); (4) food, lodging, transportation, and entertainment or reimbursements provided by a foreign government within a foreign country or by the United States Government, the District of Columbia, or a State or local government; (5) food and beverages not consumed in connection with a gift of overnight lodging; (6) anything given to your spouse or dependent child

totally independent of their relationship to you; (7) gifts in the nature of communications to your office, such as subscriptions to newspapers and periodicals; (8) gifts of hospitality (food, lodging, entertainment) on the donor's personal or family premises, as defined in 5 C.F.R. Part 2634; (9) any gifts and travel reimbursements received when you were not an employee of the United States Government; and (10) any reimbursements you received for political trips that were required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. § 434).

### Completing the Fields:

Source Name: Provide the identity of the source.

City/State: Provide the source's city and state of business or residence.

Brief Description: Describe the nature of the item or reimbursement received. For travel-related gifts and reimbursements, include a travel itinerary, the dates of travel, and the nature of the expenses. Although not required, it is helpful to specify your relationship to the source or note the basis on which you accepted the gift or reimbursement.

Value: Provide the fair market value of the gift(s) or travel reimbursement(s).

**Nothing to Report:** If you do not have anything to report, write "None."

Report Type:	
Year (Annual Report only):	
Date of Appointment/Termination:	

## Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)

Filer's Information				
Last Name	First Name	MI	Position	Agency
Other Federal Government Positions Held During the Preceding 12 Months:				
Name of Congressional Committee Considering Nomination (Nominees only):				
Filer's Certification - I certify that the statements I have made in this report are true, complete and correct to the best of my knowledge:				
Signature:			Date:	
Agency Ethics Official's Opinion – On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below)				
Signature:			Date:	
Other Review Conducted By:				
Signature:			Date:	
U.S. Office of Government Ethics Certification (if required):				
Signature:			Date:	
Comments of Reviewing Officials:				

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name					Page Number	
Part 1: Filer's Positions Held Outside United States Government						
#	Organization Name	City/State	Organization Type	Position Held	From	To
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						
16.						
17.						
18.						
19.						
20.						

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name					Page Number
Part 2: Filer's Employment Assets & Income and Retirement Accounts					
#	Description	EIF	Value	Income Type	Income Amount
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name			Page Number	
Part 3: Filer's Employment Agreements and Arrangements				
#	Employer or Party	City/State	Status and Terms	Date
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name		Page Number	
Part 4: Filer's Sources of Compensation Exceeding \$5,000 in a Year			
#	Source Name	City/State	Brief Description of Duties
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name	Page Number

Part 5: Spouse's Employment Assets & Income and Retirement Accounts

#	Description	EIF	Value	Income Type	Income Amount
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					



Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name	Page Number

Part 6: Other Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name				Page Number
Part 7: Transactions				
#	Description	Type	Date	Amount
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name	Page Number

Part 9: Gifts and Travel Reimbursements

#	Source Name	City/State	Brief Description	Value
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

## Summary of Contents

### 1. Filer's Positions Held Outside United States Government

Part 1 discloses positions that the filer held at any time during the reporting period (excluding positions with the United States Government). Positions are reportable even if the filer did not receive compensation. This section does not include the following: (1) positions with religious, social, fraternal, or political organizations; (2) positions solely of an honorary nature; (3) positions held as part of the filer's official duties with the United States Government; (4) mere membership in an organization; and (5) passive investment interests as a limited partner or non-managing member of a limited liability company.

### 2. Filer's Employment Assets & Income and Retirement Accounts

Part 2 discloses the following:

- Sources of earned and other non-investment income of the filer totaling more than \$200 during the reporting period (e.g., salary, fees, partnership share, honoraria, scholarships, and prizes)
- Assets related to the filer's business, employment, or other income-generating activities that (1) ended the reporting period with a value greater than \$1,000 or (2) produced more than \$200 in income during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

### 3. Filer's Employment Agreements and Arrangements

Part 3 discloses agreements or arrangements that the filer had during the reporting period with an employer or former employer (except the United States Government), such as the following:

- Future employment
- Leave of absence
- Continuing payments from an employer, including severance and payments not yet received for previous work (excluding ordinary salary from a current employer)
- Continuing participation in an employee welfare, retirement, or other benefit plan, such as pensions or a deferred compensation plan
- Retention or disposition of employer-awarded equity, sharing in profits or carried interests (e.g., vested and unvested stock options, restricted stock, future share of a company's profits, etc.)

### 4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

Part 4 discloses sources (except the United States Government) that paid more than \$5,000 in a calendar year for the filer's services during any year of the reporting period. The filer discloses payments both from employers and from any clients to whom the filer personally provided services. The filer discloses a source even if the source made its payment to the filer's employer and not to the filer. The filer does not disclose a client's payment to the filer's employer if the filer did not provide the services for which the client is paying.

## **5. Spouse's Employment Assets & Income and Retirement Accounts**

Part 5 discloses the following:

- Sources of earned income (excluding honoraria) for the filer's spouse totaling more than \$1,000 during the reporting period (e.g., salary, consulting fees, and partnership share)
- Sources of honoraria for the filer's spouse greater than \$200 during the reporting period
- Assets related to the filer's spouse's employment, business activities, other income-generating activities that (1) ended the reporting period with a value greater than \$1,000 or (2) produced more than \$200 in income during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's spouse's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF). Amounts of income are not required for a spouse's earned income (excluding honoraria).

## **6. Other Assets and Income**

Part 6 discloses each asset, not already reported, that (1) ended the reporting period with a value greater than \$1,000 or (2) produced more than \$200 in investment income during the reporting period. For purposes of the value and income thresholds, the filer aggregates the filer's interests with those of the filer's spouse and dependent children. This section does not include the following types of assets: (1) a personal residence (unless it was rented out during the reporting period); (2) income or retirement benefits associated with United States Government employment (e.g., Thrift Savings Plan); and (3) cash accounts (e.g., checking, savings, money market accounts) at a single financial institution with a value of \$5,000 or less (unless more than \$200 of income was produced). Additional exceptions apply. Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

## **7. Transactions**

Part 7 discloses purchases, sales, or exchanges of real property or securities in excess of \$1,000 made on behalf of the filer, the filer's spouse or dependent child during reporting period. This section does not include transactions that concern the following: (1) a personal residence, unless rented out; (2) cash accounts (e.g., checking, savings, CDs, money market accounts) and money market mutual funds; (3) Treasury bills, bonds, and notes; and (4) holdings within a federal Thrift Savings Plan account. Additional exceptions apply.

## **8. Liabilities**

Part 8 discloses liabilities over \$10,000 that the filer, the filer's spouse or dependent child owed at any time during the reporting period. This section does not include the following types of liabilities: (1) mortgages on a personal residence, unless rented out (limitations apply for PAS filers); (2) loans secured by a personal motor vehicle, household furniture, or appliances, unless the loan exceeds the item's purchase price; and (3) revolving charge accounts, such as credit card balances, if the outstanding liability did not exceed \$10,000 at the end of the reporting period. Additional exceptions apply.

## **9. Gifts and Travel Reimbursements**

This section discloses:

- Gifts totaling more than \$375 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.
- Travel reimbursements totaling more than \$375 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.

For purposes of this section, the filer need not aggregate any gift or travel reimbursement with a value of \$150 or less. Regardless of the value, this section does not include the following items: (1) anything received from relatives; (2) anything received from the United States Government or from the District of Columbia, state, or local governments; (3) bequests and other forms of inheritance; (4) gifts and travel reimbursements given to the filer's agency in connection with the filer's official travel; (5) gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises; and (6) anything received by the filer's spouse or dependent children totally independent of their relationship to the filer. Additional exceptions apply.

## **Privacy Act Statement**

Title I of the Ethics in Government Act of 1978, as amended (the Act), 5 U.S.C. app. § 101 et seq., as amended by the Stop Trading on Congressional Knowledge Act of 2012 (Pub. L. 112-105) (STOCK Act), and 5 C.F.R. Part 2634 of the U. S. Office of Government Ethics regulations require the reporting of this information. The primary use of the information on this report is for review by Government officials to determine compliance with applicable Federal laws and regulations. This report may also be disclosed upon request to any requesting person in accordance with sections 105 and 402(b)(1) of the Act or as otherwise authorized by law. You may inspect applications for public access of your own form upon request. Additional disclosures of the information on this report may be made: (1) to any requesting person, subject to the limitation contained in section 208(d)(1) of title 18, any determination granting an exemption pursuant to sections 208(b)(1) and 208(b)(3) of title 18; (2) to a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of violations or potential violations of law or regulation; (3) to another Federal agency, court or party in a court or Federal administrative proceeding when the Government is a party or in order to comply with a judge-issued subpoena; (4) to a source when necessary to obtain information relevant to a conflict of interest investigation or determination; (5) to the National Archives and Records Administration or the General Services Administration in records management inspections; (6) to the Office of Management and Budget during legislative coordination on private relief legislation; (7) to the Department of Justice or in certain legal proceedings when the disclosing agency, an employee of the disclosing agency, or the United States is a party to litigation or has an interest in the litigation and the use of such records is deemed relevant and necessary to the litigation; (8) to reviewing officials in a new office, department or agency when an employee transfers or is detailed from one covered position to another; (9) to a Member of Congress or a congressional office in response to an inquiry made on behalf of an individual who is the subject of the record; (10) to contractors and other non-Government employees working on a contract, service or assignment for the Federal Government when necessary to accomplish a function related to an OGE Government-wide system of records; and (11) on the OGE Website and to any person, department or agency, any written ethics agreement filed with OGE by an individual nominated by the President to a position requiring Senate confirmation. See also the OGE/GOVT-1 executive branch-wide Privacy Act system of records.

## **Public Burden Information**

This collection of information is estimated to take an average of three hours per response, including time for reviewing the instructions, gathering the data needed, and completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Program Counsel, U.S. Office of Government Ethics (OGE), Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number, 3209-0001, is displayed here and at the top of the first page of this OGE Form 278e).

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name						Page Number
Part 8: Liabilities						
#	Creditor Name	Type	Amount	Year Incurred	Rate	Term
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						
16.						
17.						
18.						
19.						
20.						

**From:** [Clarke, Victoria](#)  
**To:** [Amy Grappone](#)  
**Subject:** RE: Termination Report  
**Date:** Thursday, July 11, 2019 10:23:00 AM

---

Hi Amy! Very good! If you need anything at all, don't hesitate to reach out.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

**From:** Amy Grappone <(b) (6)>

**Sent:** Thursday, July 11, 2019 10:22 AM

**To:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>

**Subject:** Re: Termination Report

Hi Victoria - I received your email and will have the report completed in the next few days.

On Thu, Jul 11, 2019 at 9:15 AM Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)> wrote:

Hi Amy! It's been about a month and I haven't had any outreach from anyone. I'll give you a call on Monday to make sure you're actually receiving these emails, since I don't want you to miss any information.

In the event that you are receiving these emails, do you think you could complete these reporting obligations by September 30, 2019? If you need more time, please let me know. But please know that if I don't hear anything from you or receive your reports by that date absent you needing more time to complete them, that I will need to refer the matter to the Department of Justice.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

---

**From:** Clarke, Victoria

**Sent:** Tuesday, June 11, 2019 10:06 AM

**To:** (b) (6)

**Subject:** RE: Termination Report

Hi Amy! Checking in to see if you've received this. Let me know if you need help.

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101



**From:** Clarke, Victoria

**Sent:** Monday, June 03, 2019 11:16 AM

**To:** (b) (6)

**Subject:** Termination Report

Hi Amy!

Thank you so much for speaking with me earlier about your public financial disclosure reports! Given that EPA does not have a completed Termination Report for you, you'll need to fill one out and submit that to us for certification.

To help you with this, I'm attaching your certified New Entrant Report, as well as an electronic copy of the Form 278e for you to fill out. The time period for your Termination Report is the date of your last public financial disclosure report (in this case, your New Entrant Report) to the date you left the position.

I'm also including a link to the Office of Government Ethic's Public Financial Disclosure Guide:

<https://www.oge.gov/Web/278eGuide.nsf/Chapters/Public%20Financial%20Disclosure%20Guide?opendocument>. The guide can be helpful in explaining how to fill out each section of the report and what to include. But you can also reach out directly to me if you have questions! I'm happy to answer them.

I'm also waiving the late fee given the circumstances, so no need to worry about that.

Thanks so much!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

--

Amy Grappone

(b) (6)

**From:** [Amy Grappone](#)  
**To:** [Clarke, Victoria](#)  
**Subject:** Re: Termination Report  
**Date:** Tuesday, July 16, 2019 3:10:00 PM

---

Thank you so much. I really appreciate your help.

On Tue, Jul 16, 2019 at 2:48 PM Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)> wrote:

No, I don't believe there is. Thank you so much for getting this to us, Amy. We will review it, and if we have follow up questions, we'll let you know.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

**From:** Amy Grappone (b) (6)  
**Sent:** Tuesday, July 16, 2019 2:42 PM  
**To:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>  
**Subject:** Re: Termination Report

Victoria - I believe I have filled out all the required information in the attached document. Is there anything else needed from me?

On Tue, Jul 16, 2019 at 12:09 PM Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)> wrote:

Hi Amy,

I spoke with HR. Here's what I was told:

Amy came 4/2/17 as the Senior Advisor to the Administrator for Public Engagement.

On 5/7/17 she became the Deputy Associate Administrator for Public Engagement.

She resigned effective 10/14/17.

I hope that's helpful!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

**From:** Amy Grappone (b) (6)  
**Sent:** Tuesday, July 16, 2019 11:02 AM  
**To:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>  
**Subject:** Re: Termination Report

I have no idea what that is

On Tue, Jul 16, 2019 at 10:55 AM Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)> wrote:

I do not have that off the top of my head, but it should be in your electronic personnel file, if you still have access to eOPF. I'll also ping human resources to see if they know it.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

**From:** Amy Grappone (b) (6)  
**Sent:** Tuesday, July 16, 2019 10:53 AM  
**To:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>  
**Subject:** Re: Termination Report

Hi Victoria - I do not remember the date that I left EPA. Would you happen to have that?

On Mon, Jun 3, 2019 at 11:16 AM Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)> wrote:

Hi Amy!

Thank you so much for speaking with me earlier about your public financial disclosure reports! Given that EPA does not have a completed Termination Report for you, you'll need to fill one out and submit that to us for certification.

To help you with this, I'm attaching your certified New Entrant Report, as well as an electronic copy of the Form 278e for you to fill out. The time period for your Termination Report is the date of your last public financial disclosure report (in this case, your New Entrant Report) to the date you left the position.

I'm also including a link to the Office of Government Ethics' Public Financial Disclosure Guide: <https://www.oge.gov/Web/278eGuide.nsf/Chapters/Public%20Financial%20Disclosure%20Guide?opendocument>. The guide can be helpful in explaining how to fill out each section of the report and what to include. But you can also reach out directly to me if you have questions! I'm happy to answer them.

I'm also waiving the late fee given the circumstances, so no need to worry about that.

Thanks so much!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

--

Amy Grappone

(b) (6)

--

Amy Grappone

(b) (6)

--

Amy Grappone

(b) (6)

--

Amy Grappone

(b) (6)

**From:** [Fugh, Justina](#)  
**To:** [Ross, Margaret](#)  
**Subject:** Re: Chmielewski  
**Date:** Thursday, February 22, 2018 8:22:06 AM

---

I talked to Charles Munoz about him yesterday. (b) (5)  
Next step is for one of us to ask Dorothy Carr for his address so we can send a certified dunning letter.

Sent from my iPhone

On Feb 21, 2018, at 4:48 PM, Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)> wrote:

He still hasn't filed, and now that he's left the agency, I'm not sure how to follow up.  
Are you on this, or am I?

Best,

Margaret

**Margaret Ross** | Ethics Officer | Office of General Counsel | US EPA | William Jefferson  
Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries:  
20004) | phone 202-564-3221

**From:** [Ross, Margaret](#)  
**To:** [Miller, Andre](#)  
**Cc:** [Fugh, Justina](#); [Carr, Dorothy](#)  
**Subject:** RE: Address for former employee  
**Date:** Monday, April 09, 2018 10:38:47 AM  
**Attachments:** [image001.png](#)

---

Thanks!

**Margaret Ross** | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

---

**From:** Miller, Andre  
**Sent:** Monday, April 9, 2018 10:35 AM  
**To:** Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)>  
**Cc:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>; Carr, Dorothy <[Carr.Dorothy@epa.gov](mailto:Carr.Dorothy@epa.gov)>  
**Subject:** RE: Address for former employee

Good morning,

As requested the address from the employee file.

Kevin Chmielewski

(b) (6)

Andre Miller  
Human Resources Specialist  
OARM-RTP-HRMD-Section1B  
U.S. Environmental Protection Agency  
Mail code:639-02  
Research Triangle Park, NC 27711  
(919) 541-0683  
[Miller.andre@epa.gov](mailto:Miller.andre@epa.gov)



CONFIDENTIALITY: This communication may contain privileged or other confidential information. If you are not the intended addressee, or believe you have received this communication in error, you may neither copy, disseminate, nor distribute it to anyone else or use it in any unauthorized manner; to do so is strictly prohibited and may be unlawful. If you receive this email by mistake, please advise the sender immediately by using the reply facility in your mail software and delete it from your computer. "Information in this message may be subject to the Privacy Act (5 USC 552a) and should be treated accordingly."

---

**From:** Carr, Dorothy  
**Sent:** Monday, April 09, 2018 10:25 AM  
**To:** Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)>; Miller, Andre <[miller.andre@epa.gov](mailto:miller.andre@epa.gov)>  
**Cc:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** Re: Address for former employee

Margaret, there was no new forwarding address given for Kevin on his exit paperwork.

Andre, please provide Margaret the current address that auto populated on the M67 remark on his resignation action.

Thank you,  
Dorothy

Sent from my iPhone

On Apr 9, 2018, at 6:31 AM, Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)> wrote:

Hi Dorothy,

We need to send a certified letter to Kevin Chmielewski – he never turned in his required financial disclosure report. Do you have his post-employment address?

Many thanks,

Margaret Ross

**Margaret Ross** | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

**From:** [Ross, Margaret](#)  
**To:** [Fugh, Justina](#)  
**Subject:** RE: late fees  
**Date:** Monday, August 13, 2018 4:42:00 PM  
**Attachments:** [KChmielewski notification MSR.docx](#)  
(b) (5)

---

Hiya,

I looked up the separation dates in OBIEE (I love having access to that thing!), and added some text to the (b) (5) Chmielewski letters, which are the only two that needed it.

RE: Instructions for INTEGRITY, we can't give them instructions until they give us a current email address. Without that, I can't create a new profile, merge profiles, etc. Once their profile is updated, I can send them instructions on how to change their password and access their report. So all we need is their email address and I can take it from there.

Cheers,  
Margaret

*Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221*

---

**From:** Fugh, Justina  
**Sent:** Friday, August 10, 2018 10:25 PM  
**To:** Ross, Margaret <Ross.Margaret@epa.gov>  
**Subject:** late fees

Hi Margaret,

(b) (5)

And I drafted the various letters to the former employees. In some cases, I need to insert separation dates, but they could all use a one pager about how to access INTEGRITY if necessary. Can you work on that?

Thanks,  
Justina



U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

**ENVIRONMENTAL PROTECTION AGENCY**  
Washington, D.C. 20460

**AUG 16 2018**

OFFICE OF  
GENERAL COUNSEL

Sent To	Kevin Chmielewski
Street & Apt. No., or PO Box No.	(b) (6)
City, State, ZIP+4	(b) (6)

PS Form 3800, July 2014 See Reverse for Instructions

Dear Mr. Chmielewski:

I understand that you separated from the United States Environmental Protection Agency (EPA) on or about 3/17/18. Unfortunately, you neglected to fulfill two ethics obligations set forth under the Ethics In Government Act of 1978, 5 U.S.C. app. I am writing now to notify you formally about these requirements, which I cannot waive.

As you will recall, when you joined EPA, I personally notified you of the need to file a new entrant public financial disclosure report. See 5 C.F.R. § 2634.201(b). That report was due on May 23, 2017, but I granted you ninety additional days to file. Under that extension, your new entrant report was due by August 21, 2017. In addition, when you left EPA, you triggered a second reporting requirement to file a termination report within thirty days. See 5 C.F.R. § 2634.201(e). To date, you have not filed either report.

I regret to inform you that you must still file both of these reports and, pursuant to 5 C.F.R. § 2634.704, you are now subject to the \$200 late filing fee for the tardy new entrant report. Please submit your completed report to me immediately, together with a check made out to the U.S. Treasury in the amount of \$200. If you wish to request a waiver of the late filing fee, please do so in writing to Kevin Minoli, Designated Agency Ethics Official, and provide an explanation with supporting documentation. Seeking a waiver, does not, however, absolve you of the filing requirement.

Because I did not personally remind you of the need to file a termination report upon leaving EPA, I am willing to waive the late filing for that report, provided that you submit it to me within two weeks from the receipt of this notification. I have enclosed directions for how to access your reports in INTEGRITY or you may instead use the enclosed blank forms and submit paper reports to me instead. I have even provided you with a franked envelope to save you the postage. Or if you prefer, you can use INTEGRITY, the online electronic filing system. To use INTEGRITY, please provide your current email address to [ethics@epa.gov](mailto:ethics@epa.gov) so that we can update your profile, grant you access, and email you further instructions.

ey Kevin -  
one on and  
take care of this  
for me, okay?  
I am depending  
on you Justin



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

AUG 16 2018

OFFICE OF  
GENERAL COUNSEL

Mr. Kevin Chmielewski  
12 Grants Avenue  
Ocean View, DE 19970

Dear Mr. Chmielewski: *Kevin*

I understand that you separated from the United States Environmental Protection Agency (EPA) on or about 3/17/18. Unfortunately, you neglected to fulfill two ethics obligations set forth under the Ethics In Government Act of 1978, 5 U.S.C. app. I am writing now to notify you formally about these requirements, which I cannot waive.

As you will recall, when you joined EPA, I personally notified you of the need to file a new entrant public financial disclosure report. *See* 5 C.F.R. § 2634.201(b). That report was due on May 23, 2017, but I granted you ninety additional days to file. Under that extension, your new entrant report was due by August 21, 2017. In addition, when you left EPA, you triggered a second reporting requirement to file a termination report within thirty days. *See* 5 C.F.R. § 2634.201(e). To date, you have not filed either report.

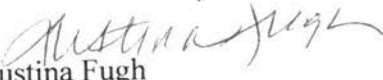
I regret to inform you that you must still file both of these reports and, pursuant to 5 C.F.R. § 2634.704, you are now subject to the \$200 late filing fee for the tardy new entrant report. Please submit your completed report to me immediately, together with a check made out to the U.S. Treasury in the amount of \$200. If you wish to request a waiver of the late filing fee, please do so in writing to Kevin Minoli, Designated Agency Ethics Official, and provide an explanation with supporting documentation. Seeking a waiver, does not, however, absolve you of the filing requirement.

Because I did not personally remind you of the need to file a termination report upon leaving EPA, I am willing to waive the late filing for that report, provided that you submit it to me within two weeks from the receipt of this notification. I have enclosed directions for how to access your reports in INTEGRITY or you may instead use the enclosed blank forms and submit paper reports to me instead. I have even provided you with a franked envelope to save you the postage. Or if you prefer, you can use INTEGRITY, the online electronic filing system. To use INTEGRITY, please provide your current email address to [ethics@epa.gov](mailto:ethics@epa.gov) so that we can update your profile, grant you access, and email you further instructions.

*by Kevin -  
one on and  
take care of this  
for me, okay?  
I am depending  
on you! Justin*

Finally, please bear in mind that pursuant to 5 U.S.C. app § 104 and 5 C.F.R. § 2634.701(d), we can pursue civil and criminal remedies in addition to the late fee or fees. In fact, in one case, a former EPA appointee paid a civil penalty of \$15,000 and still had to file her termination report. I sincerely hope that you will not be one of those filers. Please complete your reports as soon as you can, and if you need any assistance, then feel free to contact me at (202) 564-1786.

Sincerely yours,

  
Justina Fugh  
Director, Ethics Law Office



UNITED STATES POSTAL SERVICE

WILLIAMSON DE 100

200 0000 20000 0000 0000

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G

• Sender: Please print your name, address, and ZIP+4® in this box•

Justina Fugh

U.S. EPA MC 231A

1200 Pennsylvania Ave. NW

Washington DC

20460

AUG 24 2018



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Kevin Chamielewski

(b) (6)

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent  
 B. Received by (Printed Name) ☐ Addressee  
 C. Date of Delivery  
 D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

AUG 20 2018

3. Service Type

- ☒ Certified Mail®
- ☐ Registered
- ☐ Insured Mail
- ☐ Priority Mail Express™
- ☐ Return Receipt for Merchandise
- ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7014 2120 0001 8608 1335

PS Form 3811, July 2013

Domestic Return Receipt

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>®</sup>**  
(Domestic Mail Only, No Insurance Provided)

For delivery information visit [usps.com](http://usps.com)

**OFFICIAL USE**

Postage

\$

Certified Fee

(End)

Resi

(End)

**(b) (6)**  
Government Accountability Project

Total 1612 K. Street, N.W.

Washington, D.C. 20006

Sent

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

**ertified Mail Provides:**

- | A mailing receipt
- | A unique identifier for your mailpiece
- | A record of delivery kept by the Postal Service for two years

**Important Reminders:**

- | Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
- | Certified Mail is *not* available for any class of international mail.
- | NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- | For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- | For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- | If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

S Form 3800, August 2006 (*Reverse*) PSN 7530-02-000-9047

September 10, 2018

Dear Justina,

Mr. Kevin Chmielewski is represented by the Government Accountability Project. Enclosed is a copy of his completed financial disclosure report. It appears the omission is due to a misunderstanding. Mr. Chmielewski did not know it was his job to track down associated agency paperwork when the Environmental Protection Agency (EPA) escorted him out of the building on February 12, 2018 and banned him from re-entering. We are more than happy to help the EPA catch up on any paperwork that is required of him. We appreciate the waiver of the late filing fee that stemmed from the EPA's failure to provide Mr. Chmielewski with the necessary paperwork. Please inform us of any other records Mr. Chmielewski has not completed, because EPA has not provided them. He will be happy to correct those agency mistakes, as well.

Sincerely,

(b) (6)

Government Accountability Project



**From:** [Ross, Margaret](#)  
**To:** [Fugh, Justina](#)  
**Subject:** RE: Uncertified 2018 Reports in the system  
**Date:** Tuesday, April 02, 2019 1:51:19 PM

Excellent. Thanks!  
Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone: 202-564-3221 |work cell 202-527-0432

**From:** Fugh, Justina  
**Sent:** Tuesday, April 2, 2019 1:49 PM  
**To:** Ross, Margaret <Ross.Margaret@epa.gov>  
**Subject:** RE: Uncertified 2018 Reports in the system

Hi Margaret --  
1 (b) (5)  
2 (b) (5)

(b) (5) Sound OK?  
YES!

FILE NAME	ITEM	YEAR	REVIEW STATUS	FILE DATE	COMMENT
(b) (5)					



**From:** [Ross, Margaret](#)  
**To:** [Fugh, Justina](#); [Griffo, Shannon](#)  
**Cc:** [Clarke, Victoria](#)  
**Subject:** RE: OGE Annual Questionnaire  
**Date:** Monday, May 20, 2019 2:34:15 PM

Go Victorial!

**Margaret Ross** | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

**From:** Fugh, Justina

**Sent:** Monday, May 20, 2019 2:32 PM

**To:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>; Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)>

**Cc:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>

**Subject:** RE: OGE Annual Questionnaire

Victoria has already been busy working over the problem children, and (b) (5) I reported to report to OGE that we have only 6 wayward souls:

3 have left federal service so we are initiating the process for tracking them down  
3 were detailed into SES positions but ignored our requests for them to file new entrant reports

**From:** Fugh, Justina

**Sent:** Monday, May 20, 2019 2:20 PM

**To:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>; Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)>

**Cc:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>

**Subject:** FW: OGE Annual Questionnaire

Thanks to both of you for pitching in for me again. I just whiffed on this last week. On the plus side, I had a pretty good weekend!

Filer name	Item	Year	JUSTINA'S UPDATE
			(b) (5)
Graham, Amy	Termination Report	2018	Needs a dunning letter
Caraballo, Mario	Termination Report	2018	Needs a dunning letter
(b) (5)			
Chmielewski, Kevin	Annual/Termination Report	2018	Poor Victoria is going to figure something out
			(b) (5)

Dear Steve,

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North,  
William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip  
code) | phone 202-564-1786 | fax 202-564-1772

[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 
- | Age Group    | Percentage |
|--------------|------------|
| 18-29        | 90%        |
| 30-49        | 88%        |
| 50-64        | 85%        |
| 65-74        | 82%        |
| 75 and older | 78%        |

(b) (5)

- [REDACTED]
- [REDACTED]
- [REDACTED]

Let me know if you need anything else.

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building  
Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

**From:** Ross, Margaret

**Sent:** Wednesday, May 15, 2019 11:12 AM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** RE: OGE Annual Questionnaire

(b) (5)

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Graham, Amy	Termination Report	2018
Caraballo, Mario	Termination Report	2018
(b) (5)	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Chmielewski, Kevin	Annual/Termination Report	2018
(b) (5)	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building  
Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

**From:** Fugh, Justina

**Sent:** Wednesday, May 15, 2019 10:14 AM

**To:** Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)>

**Subject:** OGE Annual Questionnaire

Can you remind me ... (b) (5)

**From:** Steven Corbally <[scorball@oge.gov](mailto:scorball@oge.gov)>

**Sent:** Wednesday, May 15, 2019 9:53 AM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Subject:** RE: Someone can't do math -- OGE Annual Questionnaire

Thank you, Justina.

(b) (5)

Steve

**From:** Fugh, Justina [<mailto:Fugh.Justina@epa.gov>]

**Sent:** Tuesday, May 14, 2019 2:58 PM

**To:** Steven Corbally  
**Cc:** Griffo, Shannon  
**Subject:** Someone can't do math -- OGE Annual Questionnaire  
Hi Steve,

We went back to the offices that submitted the SGE numbers, and have now figured out the math. (b) (5)

[Redacted]

Justina

<p>(b) (5)</p> <p>[Redacted]</p>	<p>[Redacted]</p>
<p>(b) (5)</p> <p>[Redacted]</p>	<p>[Redacted]</p>
<p>(b) (5)</p> <p>[Redacted]</p>	<p>[Redacted]</p>

Based on revised responses, below are the new numbers:

--	--	--	--	--	--

Office	# SGEs	IET Required; when received	3110 Required; Filed	278 Required; Filed	Explanations
Region 2 (non-ORC)	1	0	1 expert; 1	0	
OW/OWM	5	0	3 FACA; 3 2 experts; 2	0	
OW/OST	1	0	1 expert; 1	0	
OLEM/ORCR	1	1; 1 received before 1 <sup>st</sup> meeting	1 FACA; 1	0	
AO/SAB	142	0	142 FACA; 142		
OAR/ORIA	1	0	1 expert; 1	0	
ORD/IO	2	2; 2 received before 1 <sup>st</sup> meeting	2 experts; 2	0	
ORD/OSP	75	0	75 FACA; 75	0	
ORD/OSA	11	4; 4 received before 1 <sup>st</sup> meeting	11 FACA; 11	0	
ORD/NCEA/Wash	1	0	1 expert; 1	0	
ORD/NERL/SED	1	0	1 expert; 1	0	
ORD/NHEERL/WED	2	0	2 expert; 1	0	"One SGE who was given emeritus status in ORD never reported to work."
ORD/NHEERL/TAD	1	0	1 expert; 1	0	
ORD/NHEERL/EPHD	2	0	2 expert; 2	0	
ORD/NCEA/IRISD	1	0	0	1 non-FACA; 1	
OSCP/OSCP	30	30; 30	7 FACA; 6 23 experts; 23	0	One didn't come on board; One didn't work on FACA committee (is still an SGE but not invited to serve)
<b>TOTAL</b>	<b>277 SGEs</b>	<b>37; 37</b>	<b>37 expert; 36 239 FACA; 238 Total: 276; 275</b>	<b>1 non-FACA; 1 Total: 1,1</b>	

OGE Confidential Notice: This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy. This email, including all attachments, may constitute a Federal record or other Government property that is intended only for the use of the individual or entity to which it is addressed. If you are not the intended

recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then immediately delete the email.

---





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, D.C. 20460

Bloomberg LAW

Signed and dated  
11/1/19

1-888-560-BLAW

(b) (6)

Government Accountability Project  
1612 K. Street, N.W.  
Washington, D.C. 20006

Dear (b) (6)

Thank you for September 10, 2018 letter that enclosed a signed copy of one of the two OGE Form 278 reports that Mr. Kevin Chmielewski is required by law to submit. As my August 16, 2018 letter (enclosed) indicated, the following three items had not yet been received from Mr. Chmielewski:

1. His new entrant report that was due August 21, 2017;
2. The \$200 late filing fee for the new entrant report payable to EPA in the form of a check made out to the U.S. Treasury. Although given the instructions for seeking a waiver of that late filing fee, he did not do so; and
3. His termination report.

I remind you that Mr. Chmielewski's obligation to report his financial information arises under the Ethics In Government Act, 5 U.S.C. app. § 104, which Congress enacted in 1978 to mandate public disclosure of financial and employment history of certain government officials. This is not an arbitrary or cavalier requirement; rather, it is an important and necessary tool for ensuring transparency and accountability to the public by the very individuals who serve them. I personally conveyed to Mr. Chmielewski in writing and orally the fact that he is required to file these forms.

The report we received from you on behalf of your client was not marked under the "Report Type" so we do not know whether it is his new entrant report or his termination report. As the reporting periods differ for each report, we necessarily need to know which form he submitted. Please clarify the type of report he submitted previously so that we can ensure it is properly labeled.

Moreover, because he did not request a waiver of the late filing fee for the report already submitted, Mr. Chmielewski is subject to the penalty set forth at 5 C.F.R. § 2634.704(a). That fee was due at the time of submission pursuant to 5 C.F.R. § 2634.704(c)(i). Be advised that

your client is expected to pay this penalty by submitting a check for \$200, made payable to the U.S. Treasury. Otherwise, as set forth at 5 C.F.R. § 2634.704(c)(iii), the Agency will be forced to resort to debt collection.

Mr. Chmielewski still owes the United States one more financial disclosure report that is also late. For this report, Mr. Chmielewski may request a fee waiver from James Payne, the Designated Agency Ethics Official (DAEO), by submitting a written request to his attention at [ethics@epa.gov](mailto:ethics@epa.gov). Your client must explain the extraordinary circumstances that led to this delay and provide any necessary documentation. *See* 5 C.F.R. § 2634.704(b). If he chooses again not to seek a waiver from the DAEO, then please be advised that Mr. Chmielewski will still be required to file the outstanding report and also required to submit the \$200 late filing fee with his filing.

In conclusion, Mr. Chmielewski must provide the following items to EPA by December 13, 2019:

- Clarification as to whether he has already filed a New Entrant or Termination Report;
- A check for \$200 made payable to the U.S. Treasury;
- The remaining outstanding financial disclosure report with the “report type” clearly marked (a blank form is enclosed); and
- Either a request to waive the late \$200 filing fee for the remaining outstanding financial disclosure report *or* a check in the amount of \$200 made payable to the U.S. Treasury to cover this report’s late filing fee.

Please know that if EPA does not receive all of these items by December 13, 2019, EPA will refer the matter to the Department of Justice, as we are required to do pursuant to 5 C.F.R. § 2634.701(a).

If you should have any questions, please contact me at [fugh.justina@epa.gov](mailto:fugh.justina@epa.gov) or (202) 564-1786.

Sincerely yours,

Justina Fugh  
Director, Ethics Office

enclosures



(b) (5)

Victoria Clarke  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Office of General Counsel  
Washington, D.C. | 7348 WJCN  
EPA Office: 202-564-1149  
EPA Cell: 202-336-9101

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Wednesday, November 20, 2019 12:05 PM  
**To:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>  
**Subject:** RE: request for information re: Kevin Chmielewski  
[Put on your grumpy hat!](#)

---

**From:** Clarke, Victoria  
**Sent:** Wednesday, November 20, 2019 11:58 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: request for information re: Kevin Chmielewski  
I certainly shall!  
Victoria Clarke  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Office of General Counsel  
Washington, D.C. | 7348 WJCN  
EPA Office: 202-564-1149  
EPA Cell: 202-336-9101


---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Wednesday, November 20, 2019 11:57 AM  
**To:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>  
**Subject:** RE: request for information re: Kevin Chmielewski  
[Can you please draft a response for me?](#)

---

**From:** Clarke, Victoria  
**Sent:** Tuesday, November 19, 2019 8:54 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: request for information re: Kevin Chmielewski  
I really feel that (b) (5)

(b) (5)



Victoria  
Victoria Clarke  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Office of General Counsel  
Washington, D.C. | 7348 WJCN  
EPA Office: 202-564-1149  
EPA Cell: 202-336-9101

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Tuesday, November 19, 2019 7:15 AM  
**To:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>  
**Subject:** Fwd: request for information re: Kevin Chmielewski  
FYI

Sent from my iPhone

Begin forwarded message:

**From:** (b) (6)  
**Date:** November 18, 2019 at 5:24:14 PM EST  
**To:** "Fugh, Justina" <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** (b) (6)  
**Subject:** request for information re: Kevin Chmielewski

Good Afternoon Ms. Fugh,  
Government Accountability Project has received a letter from you dated November 1, 2019. I write to seek clarity concerning a number of your requests.  
Firstly, I don't see any termination form enclosed for Mr. Chmielewski to fill out and to date Mr. Chmielewski has never received anything called a termination report from the EPA. If the EPA would like Mr. Chmielewski to complete a termination report, please provide a copy to him.  
Additionally, your letter requested a new entrant report. Our understanding is that Mr. Chmielewski's new entrant report is not outstanding as he completed and submitted it by the deadline while he was at the EPA. Therefore, Mr. Chmielewski owes neither a new entrant report nor a \$200 late filing fee. Has the agency misplaced the paperwork? Further, your letter accused Mr. Chmielewski of not requesting a waiver of the late

filing fee for the report already submitted and informed him he is subject to a penalty. The facts as we know them and the records I have demonstrate that the agency's first and only communication to Mr. Chmielewski requesting that he complete the OGE Form 278 report, and giving him the form and instructions to do so, was mailed to Mr. Chmielewski in a letter dated August 16, 2018 that was mailed by the EPA on **August 17, 2018**. The letter came approximately 125-130 days ***after*** the **April 16, 2018** deadline for Mr. Chmielewski to submit that report. So the Agency is clearly at fault, and you are asking him to pay a fine for the agency's mistake – one that undermined his rights. In that letter you stated in paragraph 4 "Because I did not personally remind you of the need to file a termination report upon leaving the EPA, I am willing to waive the late filing for that report, provided that you submit it to me within two weeks from the receipt of this notification." Mr. Chmielewski submitted the report to you in good faith within the tight two-weeks notice and deadline and given that the "late" filing was due entirely to the EPA's error in not providing him with notice of the requirement, it is difficult to understand why you are reneged on your earlier commitment and now are seeking a late filing fee from Mr. Chmielewski. What's more, the EPA informed Mr. Chmielewski of his **March 17, 2018** separation from the EPA in a letter dated April 12, 2018 (26 days after separation), and mailed to Mr. Chmielewski on **April 16, 2018** (30 days after separation), and delivered to him a few days later (approximately 32-34 days after separation). Moreover, as a result of the Agency's untimely notifications, Mr. Chmielewski had no knowledge of any separation with the EPA until ***after*** the deadline to complete the paperwork already passed. Given the circumstances we consider it further retaliation in violation of Mr. Chmielewski's first amendment rights to seek such a fee from him, given the agency's several errors and earlier violations of his constitutional rights. We request that you amend the record to clearly reflect that the EPA is at fault and no penalties are applicable to Mr. Chmielewski and desist from any further communication to Mr. Chmielewski seeking such erroneous penalties.

Many thanks and best regards,

(b) (6)

Many thanks and best regards,

(b) (6)

Government Accountability Project  
1612 K St., NW, Suite 1100  
Washington, DC 20006

(b) (6)

*Government Accountability Project is the nation's leading whistleblower protection organization. Through litigating whistleblower cases, publicizing concerns and developing legal reforms, Government Accountability Project's mission is to protect the public interest by promoting government and corporate accountability. Founded in*

*1977, Government Accountability Project is a non-profit, non-partisan advocacy organization located in Washington, D.C.*

**NOTICE:** *This communication may be unlawfully collected and stored by the National Security Agency (NSA) in secret. The parties to this email do not consent to the retrieving or storing of this communication and any related metadata, as well as printing, copying, re-transmitting, disseminating, or otherwise using it. This communication may contain privileged or other confidential information. If you believe you have received this communication in error, please delete it immediately and do not print, copy, retransmit, disseminate, or otherwise use this information. Also, please indicate to the sender that you have received this communication in error.*